



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

# Johannes Ilg

Serial No.:

09/640,552

Date Filed:

August 17, 2000

**Group Art Unit:**

2635

Examiner:

Yang, Clara I.

**Appeal No.:**

2005-0300

**Title:**

# A DEVICE FOR IDENTIFYING AUTHORIZATION AND TRIGGERING/ENABLING AN ACTION, PREFERABLY AN ELECTRONIC LOCKING DEVICE FOR MOTOR VEHICLES

Adjustment date: 07/25/2006 CKHLOK  
09/21/2005 YPOLITE1 00000049 502148 09640552  
01 FC:1453 1500.00 CR

**MAIL STOP – PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV351260303US addressed to: Mail Stop – PETITIONS, Commissioner of Patents, Office, P.O. Box 1450, Alexandria, VA 22313-1450, on September 19, 2005.

Jason Irby

Dear Sir:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR §1.137(b)**

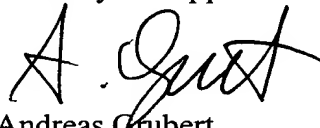
Applicant respectfully requests that the above-captioned patent application be revived and that prosecution continue thereon in accordance with 37 CFR §1.137(b). This application was unintentionally abandoned by a failure to file a timely and proper Reply to a notice or action by the United States Patent and Trademark Office. Applicant has received a Notice of Abandonment mailed July 19, 2005. The entire delay in filing the required response from the date for response until the filing of this petition pursuant to 37 CFR

09/21/2005 YPOLITE1 00000049 1500.00 DA 01 FC:1453 1500.00 DA

A Request for Continued Examination (RCE) is filed concurrently herewith. Applicant respectfully requests that examination proceed based on the attached RCE. The Commissioner is hereby authorized to debit Baker Botts L.L.P. Deposit Account No. 50-2148, (*formerly Baker & Botts, L.L.P.*), Order Number 071308.0521 for \$790.00 required under 37 CFR §1.17(e) for the RCE, and \$1,500 required under 37 CFR 1.17(m) for this petition.

Applicant believes that no fees are due in association with this filing, however, should the Commissioner deem that any additional fees are due, the Commissioner is authorized to debit Baker Botts L.L.P. Deposit Account No. 50-2148, (*formerly Baker & Botts, L.L.P.*), Order Number 071308.0521, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicant



Andreas Grubert  
Limited Recognition No. L0225  
Expires June 30, 2006  
Limited Recognition Under 37 C.F.R. §11.9(b)

SEND CORRESPONDENCE TO:  
CUSTOMER ACCOUNT NO. **31625**  
512.322.2545  
512.322.8383 (fax)

Date: September 19, 2005

UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>7/24/06</u>		2 Serial/Patent # <u>09/640,552</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
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<input type="checkbox"/>	No Fee Due (Explanation):			
<u>Consideration of Petition unnecessary. Abandonment withdrawn.</u>				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Nancy Johnson</u>		TITLE: <u>8 Petitions ltr</u>		
SIGNATURE: <u>Nancy Johnson</u>		PHONE: <u>571-272-3219</u>		
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ATTORNEY DOCKET  
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PATENT APPLICATION  
09/640,552

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*[Handwritten signature]*

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**RECEIVED**  
SEP 23 2005  
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*[Handwritten signature]*  
Jason Irby

Dear Sir:

**NON-FEE PETITION UNDER 37 C.F.R. § 1.181**  
**TO REVIVE HOLDING OF ABANDONMENT**

Applicant believes that this request for filing the Non-Fee Petition Under 37 C.F.R. § 1.181 To Revive Holding of Abandonment is applicable to the above-referenced non-provisional patent application.

**REMARKS**

Applicant received the Decision on Appeal from the Board of Patent Appeals and Interferences mailed April 28, 2005, where the decision of the Examiner rejecting Claims 1-11 and 14-17 was affirmed, and Claims 12 and 13 stand allowed. Applicant received a Notice of Abandonment mailed July 19, 2005, stating application was abandoned in view of the decision by the Board of Patent Appeals and Interference rendered on April 28, 2005 and because the period for seeking court review of the decision has expired and there are no allowed claims.

Applicant believes that the mailing of the Notice of Abandonment was not appropriate and pursuant to 37 CFR 1.197(c), Applicant should have received communication from the U.S. Patent and Trademark Office Examiner in charge stating that the rejected claims were to be considered terminated and the application should have passed to issue on allowed Claims 12 and 13.

Applicant respectfully requests that the abandonment be withdrawn.

To expedite prosecution and eliminate additional costs, in the event the Notice of Abandonment is upheld and this Non-Fee Petition under 37 CFR § 1.181 to Revive Holding of Abandonment is Denied, Applicant encloses the following:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR §1.137(b); and
2. Request for Continued Examination (RCE).

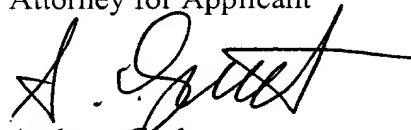
ATTORNEY DOCKET  
071308.0521

PATENT APPLICATION  
09/640,552

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Applicant believes that no fees are due in association with this filing, however, should the Commissioner deem that any fees are due, including any fees for extensions of time, the Commissioner is authorized to debit Baker Botts L.L.P. Deposit Account No. 50-2148, (*formerly Baker & Botts, L.L.P.*), Order Number 071308.0521, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicant



Andreas Grubert  
Limited Recognition No. L0225  
Expires June 30, 2006  
Limited Recognition Under 37 C.F.R. §11.9(b)

SEND CORRESPONDENCE TO:

CUSTOMER ACCOUNT NO. **31625**  
512.322.2545  
512.322.8383 (fax)

Date: September 19, 2005



Conditional Filings in the Event that the Non-Fee Petition Under 37 C.F.R. § 1.181 to Revive Holding of Abandonment is denied:

1. Request For Continued Examination (RCE)
2. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. §1.137(b)

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